

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

JUL 20 2006

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISIONJOHN F. CORCORAN, CLERK  
BY: *J. Corcoran*  
DEPUTY CLERKBENJAMIN A. LUCCIOLA,  
Petitioner,

Civil Action No. 7:06-cv-00432

v.

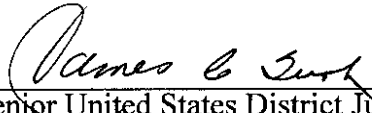
FINAL ORDERCOMMONWEALTH OF VIRGINIA,  
et al.,  
Respondent.By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the petition for habeas corpus, pursuant to 28 U.S.C. § 2241, shall be and hereby is  
**DISMISSED** without prejudice, and the action is hereby stricken from the active docket of the  
court.

The Clerk is directed to send certified copies of this order and the accompanying  
memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 20<sup>th</sup> day of July, 2006.  
\_\_\_\_\_  
Senior United States District Judge